

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MADY CHAN,

Defendant.

Case No. [96-cr-00094-JSW-13](#)

**ORDER TO SHOW CAUSE WHY
MOTION SHOULD NOT BE GRANTED
AS UNOPPOSED AND VACATING
HEARING DATE**

Re: Dkt. No. 2245

On June 1, 2016, Defendant filed a motion to amend his currently pending motion to vacate to add a claim based on the United States Supreme Court's ruling in *Johnson v. United States*, -- U.S. --, 131 S.Ct. 2251 (2015). Under this Court's rules, the Government's opposition was due on June 15, 2016. The Government has not filed an opposition. Based on the Court's review of the proposed *Johnson* claim, it appears colorable and would warrant a response from the Government to the merits of the claim.

The Government is HEREBY ORDERED to show cause why Defendant's motion for leave to amend his pending motion to vacate should not be granted as unopposed. The Government's response to this Order to Show Cause shall be due by June 29, 2016. If the Government seeks to file a belated opposition brief to the motion, it must show good cause for its failure to file an opposition brief during the time period set forth in this Court's rules for motion practice in criminal cases and shall submit its proposed opposition with its response to the Order to Show Cause.

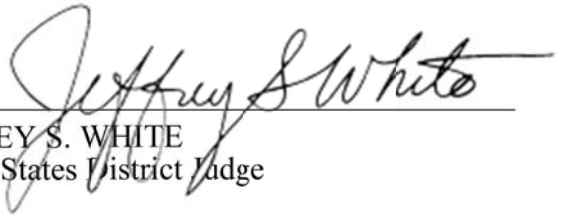
If the Court grants the Government leave to file a belated opposition, it will set a deadline for defendant to file a reply.

The Court VACATES the hearing scheduled for July 12, 2016, and it shall resolve the

1 motion for leave to amend without a hearing.

2 **IT IS SO ORDERED.**

3 Dated: June 22, 2016

4 
5 JEFFREY S. WHITE
6 United States District Judge